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In re Application of
MÜLLER, Rudolph
Application No.: 09/029,425
PCT No.: PCT/EP96/04188
Int. Filing Date: 25 September 1996
Priority Date: 25 September 1995
Attorney's Docket No.: 60174-012
For: METHOD OF INSERTING A
FASTENER ELEMENT, BOLT
ELEMENT, RIVETING DIE ...

**DECISION ON
RENEWED PETITION
UNDER 37 CFR 1.181**

This decision is in response to applicant's "Renewed Petition Under 37 CFR 1.181" filed 16 October 2000 and "Petition Under 37 C.F.R. §1.181" filed 10 May 2002.

BACKGROUND

On 29 August 2000, a decision dismissing applicant's petition under 37 CFR 1.181 was mailed because the applicant did not provide a date-stamped postcard receipt for the declaration purportedly filed 18 December 1998.

On 16 October 2000, applicant submitted a "Renewed Petition Under 37 CFR 1.181" which included a date-stamped postcard receipt for the documents filed 18 December 2000. However, this petition was apparently misfiled and was not located in the above-captioned application.

On 23 November 2001, applicant submitted a status request.

On 31 January 2002, a communication was mailed explaining that the above-identified application was abandoned and that the renewed petition allegedly filed 16 October 2000 was not located in the file.

On 10 May 2002, applicant filed a "Petition Under 37 C.F.R. §1.181" which was accompanied by, *inter alia*, a date-stamped postcard receipt for the documents filed 18 December 2000.

DISCUSSION

The renewed petition filed 16 October 2000 has been located and placed in the

above-captioned application. In this petition, applicant included a copy of the date-stamped filing receipt for the declaration purportedly filed 18 December 1998.

MPEP 503 lists procedures for applicant to ensure receipt of any paper filed in the USPTO. Applicant must enclose a self-addressed postcard identifying all of the papers filed. The USPTO will stamp the receipt date on the card and place it on the outgoing mail. The identifying data on the card must clearly identify the paper for which receipt is requested. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.

In this case, applicant has provided a copy of a postcard filing receipt. The receipt clearly identifies the application and all papers submitted. The filing receipt acknowledges that an executed declaration, small entity declaration, and "Response to Missing Parts" were mailed. The receipt has a date stamp of "OIPE DEC 18 1998" across its face

Accordingly, applicant has provided *prima facie* evidence that the declaration and other documents listed above were received by the USPTO on 18 December 1998.

DECISION

For the reasons above, the petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/909 mailed 30 March 2000 is hereby **VACATED**.

There is no fee for this petition. Therefore, Deposit Account No. 08-2789 will be credited the \$130.00 petition fee.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 25 September 1996 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of **18 December 1998**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.


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